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10/528,764

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4676

32294 7590 08/27/2007  
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EXAMINER

DOAN, PHUOC HUU

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/528,764

Applicant(s)

TURCANU, CALIN

Examiner

PHUOC H. DOAN

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 8-11 and 13-19 is/are rejected.
- 7) ☒ Claim(s) 5, 7 and 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. Claims 1, 9, 13, and 19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As to claims 1, 9, 13, and 19 as claimed “said bearer independent protocol providing access to bearers of the first system and the second system” was not supported by original specification. See the specification only described “utilizing a bearer independent protocol defined for information transmission enabling easy, preferably fast delivery of relevant information and services to users. The bearer independent protocol is a mechanism providing access to bearers and it means a protocol which is designed to be as independent as possible from the underlying network technology. The bearer independent protocol typically stands on top of a bearer transport protocol. Examples of bearers are HTTP (hypertext transfer protocol), TCP (transmission control protocol), UDP (user datagram protocol) and other technologies using IP (Internet Protocol), TDMA (time division multiple

access), CDMA (code division multiple access), ATM (asynchronous transfer mode), etc”.

### *Response to Arguments*

2. Applicant's arguments filed 06/06/2007 have been fully considered but they are not persuasive.

Applicant argues that Pimentel discloses all of the elements of claims 1-19 except for a bearer independent protocol providing access to bearers.

In response, Pimentel discloses a bearer independent protocol providing access to bearers based on a feature of the first protocol and second protocol, wherein the message is sent and receive based on the protocol such as **UDP, and IP** (See page 3, par. [0030], page 4, par. [0038]) described in specific how the both end mobile devices in communication that sent a message and receive a message used by protocols have supported by server application (backend system 84) on the wireless networks.

Applicant argues that Pimentel does not disclose the bearer independent protocol provides access to bearers of the first system and the second system. In response, the claim language has claimed “ a bearer independent protocol” has defined by Applicant’s specification as a protocol. Examples

of bearer are HTTP, **TCP** (transmission control protocol), IP (Internet Protocol), **UDP** (user datagram protocol) (See Specification in page 2, lines 16-26). In fact, Pimentel clearly discloses the first protocol and second protocol, wherein the message is sent and receive based on the protocol such as **UDP, and IP** (See page 3, par. [0030], page 4, par. [0038]) described in specific how the both end mobile devices in communication that sent a message and receive a message used by protocols have supported by server application (backend system 84) on the wireless networks; and a messaging service message from a sender in a first system having a first structure for messages to a receiver of a **second system “multiple integrated networks, page 3, par. [0029]”** having a second structure for the messages (page 2, par. [0014-0018]), and utilizing a particular protocol, i.e **“means for choosing a protocol using a characteristic of the mobile terminated message...”** in the transmission of the message between a server “Fig. 5, item 84” and user equipment “Fig. 5, item 24” (page 2, par. [0017-0019], page 3, par. [0033]). However, the prior art need to show exactly the claim language such as “Bearer Independent Protocol”, Arques discloses the same field of endeavor with Pimentel to disclose the term “Bearer Independent

Protocol” which is meaning the protocol such as **UDP, TCP or WDP** (See page 1, par. [0008], [0011]).

In response that Applicant argues on remarks (pages 10-14). Claims 1, 9, 13, and 19 have been amended to particularly point out and distinctly claim the subject matter which is the invention. The new matter has been added as claimed “said bearer independent protocol providing access to bearers of the first system and the second system” has changed the scope of invention that based on the meaning of the claim limitation. Pimentel also clearly discloses a method of transmitting a messaging service message from a sender in a first system having a first structure for messages to a receiver of a **second system “multiple integrated networks, page 3, par. [0029]”** having a second structure for the messages (page 2, par. [0014-0018]), and utilizing a particular protocol, i.e **“means for choosing a protocol using a characteristic of the mobile terminated message...”** in the transmission of the message between a server “Fig. 5, item 84” and user equipment “Fig. 5, item 24” (page 2, par. [0017-0019], page 3, par. [0033]).

*Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims **1-4, 6, 8-11, and 13-19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Pimentel in view of **Arques (US Pub No: 2004/0131083)**.

**As to claim 1, 19**, Pimentel discloses a method of transmitting a messaging service message from a sender in a first system having a first structure for messages to a receiver of a second system **“multiple integrated networks, page 3, par. [0029]”** having a second structure for the messages (page 2, par. [0014-0018]), and utilizing a particular protocol, i.e **“means for choosing a protocol using a characteristic of the mobile terminated message...”** in the transmission of the message between a server **“Fig. 5, item 84”** and user equipment **“Fig. 5, item 24”** (page 2, par. [0017-0019], page 3, par. [0033]). However, Pimentel does not disclose to utilize a bearer independent protocol providing access to bearers.

In the same field of endeavor, Arques discloses to utilize bearer independent protocol providing access to bearers (page 1, par. [0008]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made

to provide of utilizing a bearer independent protocol proving access to bearers as taught by Arques to the system of Pimentel in order to allow reliable telecommunication system.

**As to claim 2**, Pimentel further discloses the method according to claim 1, further comprising: supporting the bearer independent protocol in a receiver's equipment; receiving the message having the first structure in a server comprising an application according to the bearer independent protocol (page 3, par. [0031-0033]); converting the message to have a structure of the bearer independent protocol (page 3, par. [0033]), and transmitting the converted message from the server to the receiver's equipment using the bearer independent protocol (page 4, par. [0036]).

**As to claim 3**, Pimentel further discloses the method according to claim 1, further comprising: supporting the bearer independent protocol in a sender's equipment (page 3, par. [0033]); and transmitting the message from the sender's equipment to the receiver's equipment using the bearer independent protocol (page 3, par. [0034-0035]).

**As to claim 4, 16**, Pimentel further discloses further comprising: if the message transmission to the receiver's equipment fails (page 3, par. [0033-0035]); converting the message to have the second structure (page 3, par. [0033-0035]; and



transmitting the message to the receiver's equipment in the second structure (page 3, par. [0033-0035]).

**As to claim 6**, Pimentel further discloses the method according to claim 1 further comprising: receiving the message having the bearer independent protocol structure in a server comprising an application according to the bearer independent protocol (page 3, par. [0030], [0034]); converting the message to have the second structure (page 3, par. [0031-0033]); and transmitting the converted message from the server to the receiver's equipment (page 3, par. 0034-0035], page 4, par. [0036]).

**As to claim, 17**, Pimentel further discloses all the limitations of claim in page 3, par. 0034], page 4, par. [0036].

**As to claim 8, 18**, Pimentel further discloses all the limitations of claim in page 4, par. [0041] **“employ an IP interface to provision for UDP/IP services”**.

**As to claim 9, 13**, Pimentel discloses a telecommunication system comprising at a first system having a first structure for messaging service messages (page 1, par. [0003-0010]); a second system having a second structure for the messages (page 1, par. [0010], page 2, par. [0014-0018]); and a server “Fig. 1, item 84 that indicated Backend systems 84” via which a message is transmitted from the first system to the second system **“multiple integrated networks, page 3, par. [0029]”** (page 3,

par. [0030-0034]); the server being configured to utilize a bearer independent protocol for transmitting the message (page 3 through page 4, par. [0034-0039]). However, Pimentel does not disclose to utilize a bearer independent protocol proving access to bearers.

In the same field of endeavor, Arques discloses to utilize bearer independent protocol proving access to bearers (page 1, par. [0008]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide of utilizing a bearer independent protocol proving access to bearers as taught by Arques to the system of Pimentel in order to allow reliable telecommunication system.

**As to claim 10**, Pimentel further discloses the telecommunication system according to claim 9, wherein the first system comprises a network node having functionality related to messaging services within the first system (page 3, par. [0030]), the network node being configured to recognise the message sent to the second system and forward the message to the server (page 3, par. [0031-0035]).

**As to claim 11**, Pimentel further discloses all the limitation of claim in page 4, par. [0036-0039].

**As to claim 14**, Pimentel further discloses a server according to claim 13, wherein

the server is configured (page 4, par. [0039]), in response to receiving the message having the first structure (page 3, par. [0035]), to convert the message to have a structure according to the bearer independent protocol before forwarding the message (page 4, par. [0036]).

**As to claim 15**, Pimentel further discloses a server according to claim 14, wherein the server is configured (page 3, par. [0030-0033]), in response to receiving a message having a structure according to the bearer independent protocol (page 3, par. [0034]), to convert the message to have the second structure before forwarding the message (page 4, par. [0036]).

***Allowable Subject Matter***

5. Claims **5, 7, and 12** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**As to claims 5, 12**, the prior art of record does not disclose the method according to claim 1, further comprising: supporting the bearer independent protocol in the sender's equipment; sending the message from the sender's equipment according to the bearer independent protocol; receiving the message in a server comprising an application according to the bearer

independent protocol; converting the received message from the bearer independent protocol structure to the second structure; and transmitting the converted message from the server to the receiver's equipment.

**As to claim 7** is dependency in independent claim 5.

### *Conclusion*

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUOC H. DOAN whose telephone number is 571-272-7920. The examiner can normally be reached on 9:30 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH FEILD can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Phuoc Doan

08/15/07

JEAN GELIN  
PRIMARY EXAMINER

